



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

November 10, 2011

The Honorable Hal Rogers  
Chairman  
Committee on Appropriations  
H-307, The Capitol  
Washington, DC 20515

Dear Chairman Rogers:

As fellow pro-life Members of Congress, we are writing to bring to your attention what we believe could be an egregious violation of the Hyde-Weldon amendment by the Administration, and to request your assistance in ensuring adequate protections for the conscious rights of health care providers and other entities are codified in U.S. law. Specifically, we are asking that the Abortion Non-Discrimination Act (ANDA), HR 361, remain in the final version of the Labor, Health and Human Services, Education and Related Agencies Appropriations bill (Labor/HHS), or alternatively, that ANDA be included in the final appropriations package that is enacted. ANDA is consistent with the House Republicans Pledge to America and is incorporated into legislation that has passed the House on two separate occasions with the support of over 250 Members each time.

We greatly appreciate the leadership you and Chairman Rehberg have demonstrated on this issue by including ANDA in the draft version of the Labor/HHS legislation. The Abortion Non-Discrimination Act codifies the Hyde-Weldon funding limitation amendment that has been included in the Labor/HHS appropriations bill annually since fiscal year 2005, to ensure that state, local and federal governments receiving such funds do not discriminate against health care entities that refuse to "provide, pay for, provide coverage of, or refer for abortions." To ensure that health care entities are fully protected, H.R. 361 adds judicial recourse so victims of discrimination are not forced to rely solely on the administration for protection. Despite the annual appropriations limitation, the conscience rights of doctors, hospitals, and pro-life organizations that refuse to participate in abortions remains under constant threat.

Recently, the U.S. Department of Health and Human Services (HHS) denied the United States Conference of Catholic Bishops' (USCCB) Migration and Refugee Services (MRS) a grant renewal for providing care to victims of human trafficking. This decision comes on the heels of HHS' solicitation for grant applications that indicated preference would be given to grantees that would "offer all victims referral to medical providers who can provide or refer for...the full range of legally permissible gynecological and obstetric care." This terminology generally refers to abortion services, and as such is in direct violation of Hyde-Weldon.

USCCB was first awarded the trafficking victims support grant in 2006 and has since provided care to approximately 2,700 victims. MRS is known to provide immediate, outstanding and quality care to the survivors of human trafficking. But, as a pro-life, pro-family, religious organization, Migration and Refugee Services will not offer or refer cliental for any abortion service. If HHS' decision to forgo funding to MRS is based at all upon the group's conscientious objection to destroying the life of the unborn, it would be inconsistent with U.S. policy and violate the Hyde-Weldon amendment.

Under current law, USCCB lacks legal recourse beyond filing a complaint with the HHS Office of Civil Rights. In addition to being slow, this produces a situation whereby a victim is forced to rely solely on a division of the offending entity for relief. ANDA would correct this problem by providing victims of abortion discrimination access to U.S. Courts so they are not beholden to hostile administrations. It would also codify such protections, removing the need for an annual appropriation provision.

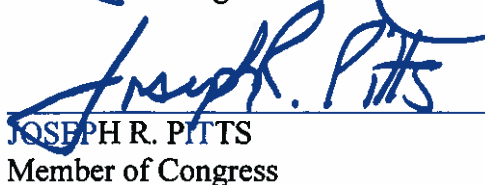
This case is unfortunately not an isolated incident. In fact, just a few days ago, it was reported that the University of Medicine and Dentistry of New Jersey (UMDNJ) began enforcing a new policy requiring nurses to undergo training and to facilitate abortions or risk employment termination. This is a blatant violation of the Hyde-Weldon amendment as UMDNJ is a recipient of federal funds. Enacting ANDA into law would grant explicit standing in court to UMDNJ employees who face discrimination and is another example of the urgency of such permanent legislation.

It is important to note that the Pledge to America places a high priority on improving conscience protections by enacting "into law conscience protections for health care providers." The U.S. House of Representatives has also voted and passed two separate pieces of legislation which include the ANDA provisions. Most recently, on October 13, 2011, the House passed H.R. 358, the Protect Life Act, by a vote of 251-172. This legislation was fully vetted by a hearing and mark-ups in the House Energy and Commerce Committee. In a like manner, H.R. 3, the No Taxpayer Funding for Abortion Act, passed the House with bipartisan support on May 4, 2011. Prior to the floor vote, the House Judiciary Committee held a hearing and mark-up on this legislation.

Thank you for considering this request. We look forward to working with you to ensure that the pro-life protections of the Abortion Non-Discrimination Act become a permanent part of the U.S. Code. For your convenience, you will find the text of ANDA enclosed with this correspondence.


Sincerely,

  
JOHN C. FLEMING, M.D.  
Member of Congress

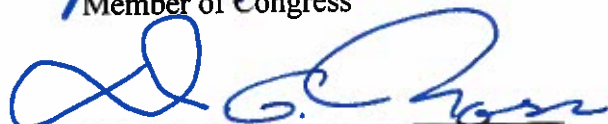
  
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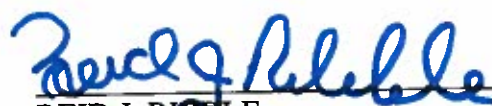
  
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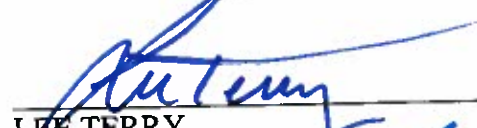
  
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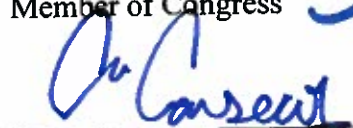
  
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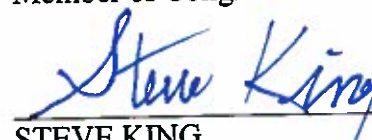
  
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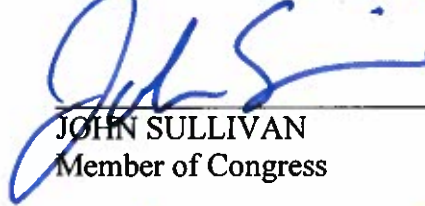
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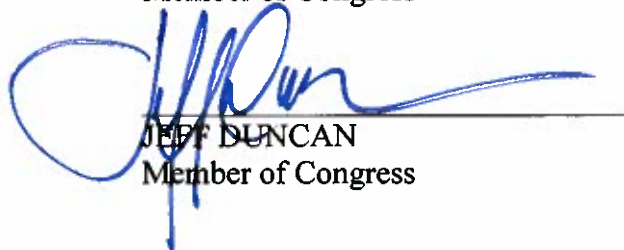
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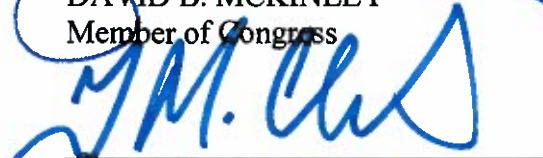


  
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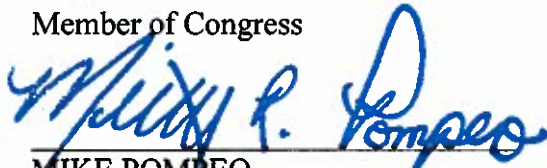
  
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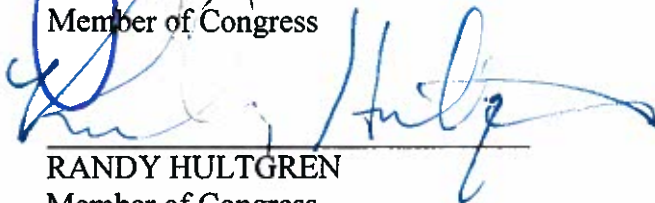
  
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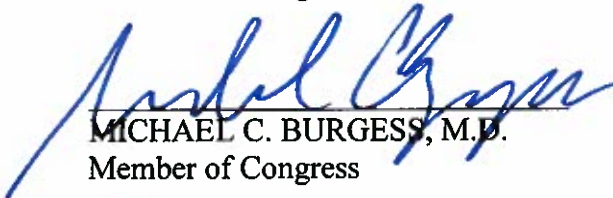
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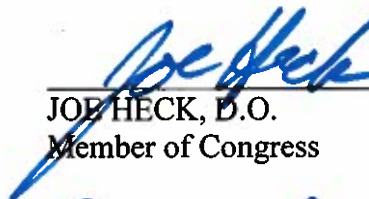
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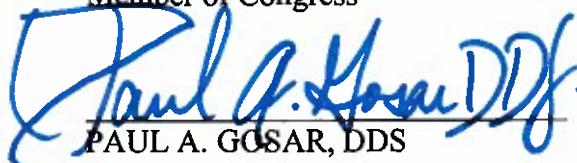
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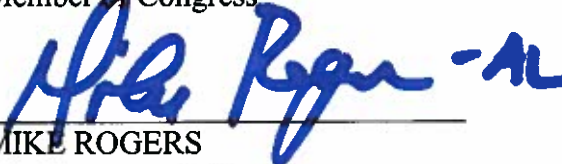
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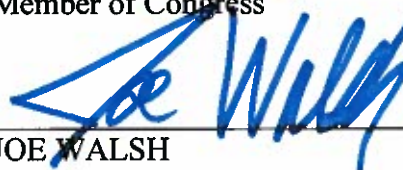
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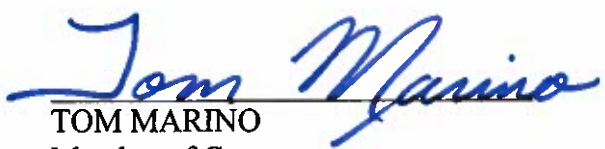
  
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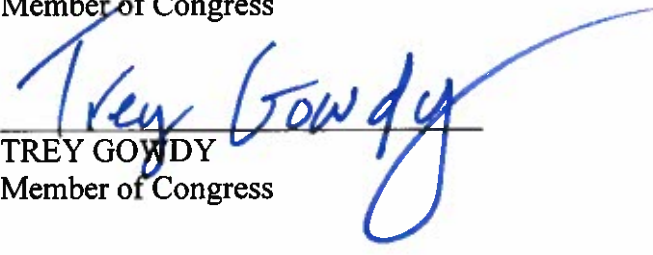
  
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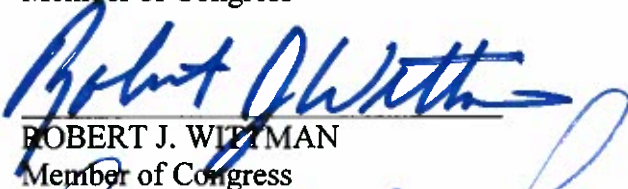
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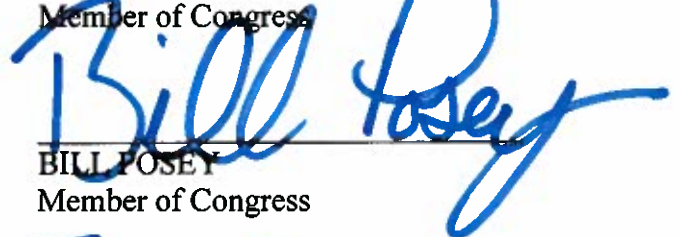
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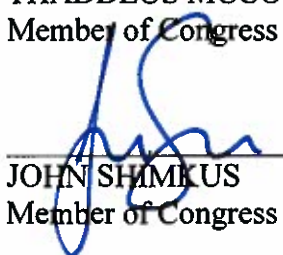
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